

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF NEW MEXICO**

STATE OF NEW MEXICO *ex rel.*)
State Engineer, et al.,)
)
Plaintiffs,)
)
v.)
)
RAMON ARAGON, et al.,)
)
Defendants.)
_____)

69-cv-07941-MV-KK

RIO CHAMA ADJUDICATION

**STATE OF NEW MEXICO'S NOTICE OF FILING OF
STATE'S RULE 1-071.3 REPORT**

Pursuant to Rule 1-071.3 NMRA 2011, the State of New Mexico, by and through its counsel, hereby submits its report setting out its priorities and allocation of resources for adjudications pending in both state and federal courts. The report is submitted in the form of the attached exhibits, setting out priorities and resources of the Lower Rio Grande Adjudication Bureau in Exhibit A, those of the Pecos Adjudication Bureau in Exhibit B, and those of the Northern New Mexico Adjudication Bureau in Exhibit C.

Respectfully submitted,

/s/ Kelly Brooks Smith
Kelly Brooks Smith
Special Assistant Attorney General
Attorney for State of New Mexico
P.O. Box 25102
Santa Fe, New Mexico 87504-5102
Telephone: (505) 827-6150
Kelly.smith@state.nm.us

CERTIFICATE OF SERVICE

I certify that I have caused a copy of the State's Notice of State's Rule 1-071.3 Report to be served by e-mail to all Counsel on the Electronic Service List for U.S. District Court No. 69-cv-07941-MV/KK on August 21, 2020.

/s/ Kelly Brooks Smith
Kelly Brooks Smith

STATE OF NEW MEXICO'S RULE 71.3 REPORT – FY 2021
EXHIBIT A: LOWER RIO GRANDE ADJUDICATION BUREAU

August 18, 2020

Pursuant to the requirements of NMRA Rule 1-071.3, the State of New Mexico presents its report setting out the State's priorities and available resources for the state stream system adjudication, in the Lower Rio Grande Adjudication Bureau for fiscal year 2021 (July 1, 2020 to June 30, 2021), which will be filed in each adjudication. The available resources are based upon full time employee ("FTE") time, including staff and contractors, and are listed in Table 1.

SUMMARY OF AVAILABLE RESOURCES FOR THE LOWER RIO GRANDE ADJUDICATION BUREAU

	FY2020 FTEs	FY2021 FTEs
Total Bureau Staff and Contractor Resources	13.35	12.86
A. Lower Rio Grande Adjudication	12.55	12.47
B. Animas River	0.80	0.39

LOWER RIO GRANDE ADJUDICATION PRIORITIES FOR FY 2021

A. General

1. Litigation of proposed or designated stream system/expedited *inter se* issues

- a. Steam System Issue 104 (United States' interest in the Rio Grande Project). This stream system issue is currently stayed for continuing settlement discussions related to this and other litigation, looking for a comprehensive negotiated solution to issues raised by this steam system issue, by the lawsuit over the Rio Grande operating agreement, and by Texas v. New Mexico.
- b. Stream System Issue 107 (status of pre-Rio Grande Project surface water rights). This stream system issue is currently stayed along with, and for the same reason as, Stream System Issue 104. There is one appeal from this stream system issue, arising out of the Court's striking of the purported Notice of Participation by dismissed claimant Scott Boyd. The appeal has been put on the Court of Appeals' general calendar. The parties have completed briefing to the Court.
- c. The dismissal of the Pre-1906 Claimant's Expedited Inter Se is also on appeal. This case is on the Court of Appeal's General Calendar. The appellants filed an amended motion to stay the appeal while they attempted to intervene in the case of Texas v. New Mexico in the United States Supreme Court. The Court of Appeals denied their motion shortly after the United States Supreme Court denied their motion to intervene. Briefing has not begun.

- d. Stephen Faykus and the Faykus Family Trust subfile. The Court of Appeals affirmed the district court and special master's decision that the claimants lacked a surface water, river pumping right. The appellants did not petition the New Mexico Supreme Court for certiorari, and the case has been remanded to the district court. The attempts of claimants to file a supersedeas bond to stay the subfile order on appeal are now moot, and an injunction against further river pumping has been issued by the Sierra County water judge.
- e. Toby Romero subfile. This determination of forfeiture of a claimed water right for steam locomotive use was affirmed on appeal. The New Mexico Supreme Court granted the claimant's petition for a writ of certiorari. The parties have completed briefing.
- f. Copper Flat Mine expedited *inter se*. This appeal of Mendenhall, forfeiture and abandonment issues arising out of water rights related to the Copper Flat mine has been fully briefed in the Court of Appeals by the main participating parties. Certain motions to file *amicus* briefs have not yet been acted on, nor has oral argument been set.
- g. Rice/Packard subfiles. These two subfiles involve disputed claims regarding the amount of irrigated acreage for two new pecan groves. The State filed a motion for a scheduling conference on July 26, 2019, after the failure to settle in mediation.
- h. Apodaca Cervantes. This subfile concerns a challenge to the State's denial of a claim to a greater FDR than 4.5 acre-feet per acre per year. Mediation failed to resolve it, and a scheduling conference was requested by the State on March 4, 2020.

2. Other non-LRG litigation.

Texas v. New Mexico. The LRG Adjudication Bureau legal, support, and technical staff have been and will continue to be involved in support for discovery and trial preparation.

3. Negotiation with major parties.

None now pending other than the negotiations related to the Stream System Issue 104 stay.

4. Mediation of other substantive issues.

None of substantive consequence.

5. Other special procedures and procedural motions in the LRG

- a. Continuing authentication of claims to historical groundwater use for claimants seeking to add groundwater component to their adjudicated and unadjudicated surface water rights, in conjunction with permitting applications to the District IV office.

- b. Implementation of Stream System Issue 108, retroactive determination of EBID surface water amounts and places of use for subfiles entered before the settlement of Stream System Issue 101.
- c. The State still intends to file a motion to expand the scope of Implied Consent to include instances where all objections are met and where documented verbal consent is not followed by a written stipulation.
- d. A motion to exclude certain smaller surface water livestock impoundments from the adjudication was filed on October 4, 2019.

B. Lower Rio Grande Adjudication, Routine subfile Processing

- a. The preparatory work for the creation of new subfile offers is focused in the Northern and Southern Mesilla sections, though work actively continues in all sections but Nutt-Hockett.
- b. The continuing receipt of Hydrographic Survey Change Requests (HSCR) for all sub-basins prevents the hydrographic survey staff from working in one sub-basin exclusively. Of the three active sub-basins outside of Northern Mesilla, Southern Mesilla receives the most attention, because there the need to analyze a subfile following the receipt of a HSCR will typically require that the close-fitting block of subfiles adjacent to the newly-analyzed one must also be analyzed and, when appropriate, forwarded for new offers.
- c. The status of all sections as of August 1, 2020, is:
 - 1. Nutt Hockett: 43 subfiles, 98% served, 98% adjudicated
 - 2. Rincon: 1237 subfiles, 97% served, 85% adjudicated
 - 3. Northern Mesilla: 5894 subfiles, 60% served, 40% adjudicated
 - 4. Southern Mesilla: 5504 subfiles, 61% served, 46% adjudicated
 - 5. Outlying Areas: 1360 subfiles, 83% served, 74% adjudicated
- d. Routine subfile processing encompasses most of the bureau's everyday work, including updating the Hydrographic Survey, creating new maps to conform to multiple point and polygon requirements, analyzing claims for a larger Farm Deliver Requirement, legal review of proposed offers, service of offers, revised offers or duplicates, reviewing objections, discussions with objecting claimants by survey or legal staff, default and implied consent requests, correcting entered orders with typographical errors and re-opening entered orders needing significant correction.

ANIMAS UNDERGROUND WATER BASIN ADJUDICATION PRIORITIES FOR FY 2021

1. J & C Victor Trust appealed a denial by Judge Robinson to reconsider the basin-wide FDR set in 2012. Its docketing statement was filed with the Court of Appeals in April, 2019, the case has been assigned to the general calendar and the appellant's brief in chief is due on September 4, 2020.
2. As of August 1, 2020, there are 179 Animas subfiles, of which 85% have been served, and 59% have been adjudicated. The addition of seventeen new livestock subfiles accounts for the slight decrease in percentage served and adjudicated since last year.
3. The adjudication now includes domestic and livestock wells which are declared or otherwise in existence before a permit was required for such wells.
4. Besides service of subfiles, the current focus of the adjudication includes resolving subfiles in which the claimant has rejected the proposed judgment offered by the State.

Table 1: Lower Rio Grande Bureau Resources Allocated

PRIORITY ADJUDICATION SECTION	Staff Atty	Contract Atty	Staff Para-legal	Survey Staff	Data/IT Staff	Section Totals
Lower Rio Grande Adjudication						
<i>A. General</i>	0.70	-	.20	0.90		1.80
<i>B. Rincon</i>	0.02	-	0.02	0.06		0.10
<i>C. N. Mesilla</i>	1.17	-	0.82	3.13		5.12
<i>D. S. Mesilla</i>	1.21	-	0.84	3.29		5.34
<i>E. Outlying</i>	0.03	-	0.02	0.06		0.11
Category Totals: LRG	3.13	-	1.90	7.44		12.47
Animas Underground Adjudication						
<i>Amimas</i>	0.07	0.16	-	0.16		0.39
	0.07	0.16	-	0.16		0.39
CATEGORY TOTALS - ALL SECTIONS	3.20	0.16	1.90	7.60		12.86

STATE OF NEW MEXICO'S RULE 71.3 REPORT – FY 2021
EXHIBIT B: PECOS ADJUDICATION BUREAU

August 18, 2021

Pursuant to the requirements of NMRA Rule 1-071.3, the State of New Mexico presents its report setting out the State's priorities and available resources for the state stream system adjudication, *State of N.M. & PVACD v. Lewis*, Case Nos. 20294 & 22600 (Consolidated), in the Pecos Adjudication Bureau for fiscal year 2021 (July 1, 2020 to June 30, 2021). The available resources are based upon full time employee ("FTE") time, including contractors, and are listed in Table 1.

SUMMARY OF AVAILABLE RESOURCES FOR PECOS ADJUDICATION BUREAU

		FY2020 FTEs	FY2021 FTEs
	Total Bureau Staff and Contractor Resources	6.35	6.55
01	A. Roswell Underground Water Basin ("RAB")	2.75	2.35
02	B. Carlsbad – Intrepid Potash	.70	1.20
03	C. Upper Pecos Surface Water - Cow Creek	.75	1.00
04	D. Upper Pecos Underground Water Basin	.80	.75
05	E. Gallinas River	.90	.60
06	F. Pecos General	.35	.50
07	G. City of Las Vegas	.10	.10
08	H. Carlsbad – Carlsbad Irrigation District - completed	-	.05
09	I. Hondo Underground Water Basin	-	-
10	J. Carlsbad - Carlsbad Underground Water Basin	-	-
11	K. Penasco Underground Water Basin	-	-
12	L. Fort Sumner Irrigation District	-	-
13	M. Carlsbad – Black River	-	-
14	N. Rio Hondo Surface Water	-	-
15	O. Pecos – Other	-	-

PECOS ADJUDICATION PRIORITIES FOR FY 2021

A. ROSWELL UNDERGROUND WATER BASIN ("RAB")

1. Evaluate and adjudicate pending relation back claims.
 - a. Identification of water rights subject to relation back claims.
 - b. Determination of current status of water rights.
 - c. Identification of owners of water rights subject to relation back claims.
 - d. Development of proposed procedural order for proceeding with relation back claims.

- e. Notification of relation back proceeding to claimants.
 - f. Consultation with claimants.
 - g. Enter into consent orders for resolved relation back claims.
2. Litigate contested relation back claims.

B. CARLSBAD – INTREPID POTASH

- 1. Proceed with expedited *inter se* proceeding of Intrepid Potash water rights claims. Trial scheduled for December 2020.

C. UPPER PECOS SURFACE WATER – COW CREEK

- 1. Preparation and filing of procedural and scheduling issues to proceed with subfile adjudication.
- 2. Primary sub-file work and service of proposed consent orders.
- 3. File motions for entry of consent orders for resolved subfiles.

D. UPPER PECOS UNDERGROUND WATER BASIN

- 1. Continue hydrographic survey of Upper Pecos groundwater uses, including expansion areas.

E. GALLINAS RIVER

- 1. Complete *inter se* proceeding, including possible litigation of 2 to 3 subfiles.
- 2. Prepare partial final judgment and decree for surface water rights with addendum summarizing adjudicated water rights, and seek entry of partial final judgment and decree.

F. PECOS – GENERAL

- 1. Analyze priorities for subsection adjudication and determine legal and procedural approaches and opportunities to expedite the Pecos adjudication.

G. CITY OF LAS VEGAS REMAND PROCEEDING

- 1. Special Master's Report filed in September 2018 to resolve City of Las Vegas equitable water right and proposing remedy.
- 2. Mediation process to resolve City of Las Vegas water rights and equitable remedy involving the acequias.

H. CARLSBAD – CARLSBAD IRRIGATION DISTRICT – *completed FY2017*

- 1. Possible litigation on Grandi motion to set aside judgment. Issue to be determined.

I. HONDO UNDERGROUND STREAM SYSTEM – *not a priority for FY2021*

J. CARLSBAD – CARLSBAD UNDERGROUND WATER BASIN – *not a priority for FY2021*

K. PEÑASCO UNDERGROUND WATER BASIN – *not a priority for FY2021*

L. FORT SUMNER IRRIGATION DISTRICT – *not a priority for FY2021*

M. CARLSBAD - BLACK RIVER – not a priority for FY2021

N. RIO HONDO SURFACE WATER – not a priority for FY2021

O. PECOS – OTHER – not a priority for FY2021

Table 1: Pecos Adjudication Bureau Priority Sections & Resources Allocated – FY 2021

PRIORITY ADJUDICATION SECTION	Staff Atty	Contract Atty	Staff Para- legal	Survey Staff	Data /IT Staff	Section Totals
A. Roswell Underground Water Basin (RAB)	.45	1.20	.45	.15	.10	2.35
B. Carlsbad – Intrepid Potash	.20	.55	.10	.35		1.20
C. Upper Pecos Surface Water – Cow Creek	.40	-	.20	.30	.10	1.00
D. Upper Pecos Underground Water Basin	-	-	-	.75	-	.75
E. Gallinas River	.15	.05	.15	.15	.10	.60
F. Pecos General	.10	.05	.05	.30	-	.50
G. City of Las Vegas	.05	-	.05	-	-	.10
H. Carlsbad – Carlsbad Irrigation District	.05	-	-	-	-	.05
I. Hondo Surface Water Basin	-	-	-	-	-	-
J. Hondo Underground Water Basin	-	-	-	-	-	-
K. Carlsbad – Carlsbad Underground Basin	-	-	-	-	-	-
L. Peñasco Underground Water Basin	-	-	-	-	-	-
M. Ft. Sumner Irrigation District	-	-	-	-	-	-
N. Carlsbad – Black River	-	-	-	-	-	-
O. Pecos –Other						
CATEGORY TOTALS - ALL SECTIONS	1.40	1.85	1.00	2.00	.30	6.55

STATE OF NEW MEXICO'S RULE 71.3 REPORT – FY 2021
EXHIBIT C: NORTHERN NEW MEXICO ADJUDICATION BUREAU

August 18, 202

Pursuant to the requirements of NMRA Rule 1-071.3, the State of New Mexico presents its report setting out the State's priorities and available resources for the state and federal stream system adjudications in the Northern New Mexico Adjudication Bureau for fiscal year 2021 (July 1, 2020 to June 30, 2021), which will be filed in each adjudication. The available resources are based upon full time employee ("FTE") time, including contractors, and are listed in Table 1.

SUMMARY OF AVAILABLE RESOURCES FOR NORTHERN NEW MEXICO ADJUDICATION BUREAU

	FY2020 FTEs	FY2021 FTEs
Total Bureau Staff and Contractor Resources	14.85	13.70
State Adjudications:		
A. San Juan Adjudication	4.25	5.00
B. San Jose Adjudication (<i>Kerr-McGee</i>)	1.30	.80
C. Santa Fe Adjudication (<i>Anaya</i>)	-	-
Federal Adjudications:		
D. Chama Adjudication (<i>Aragon</i>)	4.10	3.20
E. Taos Adjudication (<i>Abeyta</i>)	3.80	2.85
G. Zuni Adjudication (<i>A&R</i>)	.40	.95
F. Santa Cruz/Truchas Adjudication	.60	.40
H. Jemez Adjudication (<i>Abousleman</i>)	.20	.30
I. Nambé, Pojoaque, Tesuque Adjudication (<i>Aamodt</i>)	.20	.20

STATE COURT ADJUDICATIONS - PRIORITIES FOR FY 2021

I. SAN JUAN ADJUDICATION, *New Mexico v. U.S., Jicarilla Apache Tribe and Navajo Nation*, Case No. D-1116-CV-75-184 (11th Judicial District, San Juan County)

A. General San Juan Adjudication:

Research and analyze legal and procedural approaches and opportunities to expedite Adjudication

1. Draft AWRM District Specific Rules and establish meeting schedule with parties to the Navajo Settlement Agreement to address issues;
2. File motion to exclude domestic and livestock permitted wells from the adjudication.

B. Indian Claims:**1. Navajo Nation Water Rights Settlement**

Proceedings on appeal of Partial Final Judgment and Decree and Supplemental Partial Final Judgment and Decree in New Mexico Supreme Court completed and in process:

- a. N.M. Court of Appeals – Navajo Appeal (Case No. 33, 437)
Memorandum Opinion issued on 4/3/18 (and rehearing denied)
- b. Supreme Court – Navajo Appeal (Case No. S-1-SC-37068)
Writ of Cert granted 8/13/18 re: preemption issue. State filed brief 11/27/18; briefing completed (but motion for leave to file reply awaiting order); *Amicus* briefs filed.

2. Ute Mountain Ute Tribe

- a. Settlement meetings reinitiated in August, 2019 and will continue through 2021
- b. Order staying deadline for filing proposed procedural order for expedited inter se granted to November 30, 2020.

C. Non-Indian Claims:**1. Section 1: La Plata**

- a. Adjudicate domestic and stock water uses through procedural order and order to show cause entered 3/4/19.
- b. Commence *inter Se* proceeding and entry of partial final judgment and decree on surface irrigation, domestic and stock water uses previously adjudicated in Echo Ditch Decree.
 - Reconcile maps and orders and preparation of summary of adjudicated water rights (Addendum).
 - File motions amending/correcting subfile orders.
 - File motion for procedural and scheduling order for inter se.
 - Resolve *inter se* objections through litigation or mediation.
 - Brief entry of Partial Final Judgment and Decree.

2. City of Aztec, Farmington and Bloomfield

- a. Continue discussions regarding terms of consent orders with each municipality, including analysis of Bloomfield's claims, to implement settlement agreements and prepare proposed orders for consideration by the Court.

3. Section 2: Animas – *not scheduled for FY2021***4. Section 3: San Juan Mainstem – *not scheduled for FY2021*****5. Section 4: Hammond Conservancy District – *not scheduled for FY2021*****6. Section 5: Los Pinos and Navajo Rivers – *not scheduled for FY2021*****7. Adjudication of Groundwater Rights – *not scheduled for FY2021***

II. SAN JOSE ADJUDICATION, *New Mexico v. Kerr-McGee Corp.*, Case No. CB-83-190-CV & CB-83-220-CV (consolidated) (13th Judicial District, Cibola County)

A. Indian Claims:

1. Subproceeding 1: Past and Present Use Water Rights of Pueblos of Acoma and Laguna:

- a. Settlement discussions were initiated in FY2014 and actively continue with mediator.
- b. Work with settlement parties to finalize settlement terms of agreement.
- c. Analyze state based rights claims.
- d. Draft framework for administering Basin water rights.

2. Subproceeding on all other Pueblo Claims:

- a. Settlement discussions were initiated in FY2014 and actively continue with mediator.
- b. Analyze Pueblos' future use and out-of-Basin claims.

3. Subproceeding on Navajo claims: *not scheduled for FY2021*

B. Non-Indian Claims: *not scheduled for FY2021*

III. SANTA FE ADJUDICATION, *Anaya v. Public Service Co. of New Mexico*, Case No. 43, 347 (1st Judicial District, Santa Fe County)

A. Non-Indian Claims – *not scheduled for FY2021*

FEDERAL COURT ADJUDICATIONS - PRIORITIES FOR FY 2020

I. CHAMA ADJUDICATION, *N.M. v. Aragon*, Case No. 69cv07941-MV/KK (U.S.D.Ct., N.M.)

A. Non-Indian Claims

1. Section 1: Chama Mainstream - PFJD entered 7/26/71

2. Section 1: Rio del Oso

- a. Complete adjudication of individual subfiles, including potential litigation with the Merced del Pueblo Abiquiu.

3. Section 2: Ojo Caliente – *not scheduled for FY2021*

4. Section 3: Rio Nutrias – PFJD entered 7/14/13

5. Section 3: Rio Cebolla

- a. Acequia and private ditch priority dates were determined in FY 2019.
- b. Determine irrigation water requirements.
- c. Prepare addendum summarizing surface water irrigation rights and hydrographic survey maps.
- d. Commence *inter se* and move for entry of partial final judgment and decree for

surface water irrigation rights.

6. Section 3: Canjilon Creek

- a. Determine acequia and private ditch priority dates. One objection remains that will be addressed with a motion for summary judgment.
- b. Determine irrigation water requirements.
- c. Prepare addendum summarizing surface water irrigation rights and hydrographic survey maps.
- d. Commence *inter se* and move for entry of partial final judgment and decree for surface water irrigation rights.

8. Section 4 – El Rito – PFJD entered 6/25/73

9. Section 5 – Rio Gallina – PFJD entered 4/8/10

10. Section 6 – Cañones – PFJD entered 2/6/76

11. Section 7 – Rito de Tierra Amarilla – PFJD entered FY2019 (10/23/18)

12. Section 7 –Rio Brazos

- a. Determine irrigation water requirements.
- b. Determine acequia and private ditch priority dates for subsections and resolve objections to order to show cause
- c. Resolve objections to order to show cause or litigate claims based on Treaty of Guadalupe Hidalgo.
- d. Remaining issues of priority, irrigation water requirements, and Treaty claims will be addressed on a ditch by ditch basis, beginning with the Parkview Ditch.
- e. Prepare addendum summarizing surface water irrigation rights and hydrographic survey maps.
- f. Commence *inter se* and move for entry of partial final judgment and decree for surface water rights.

13. Section 7 – Rutherford & Plaza Blanca –

- a. Review status and propose procedure for securing a final determination of priority dates and irrigation water requirements.
- b. Hydrographic survey is updating current information and converting maps into newer format for partial final judgment and decree process to occur next fiscal year.

14. Section 7 – Cañones Creek

- a. Review status and propose procedure for securing a final determination of priority dates and irrigation water requirements.

15. Section 7 – Village of Chama –

- a. Review status and propose procedure for securing a final determination of priority dates and irrigation water requirements.

16. **Section 8 – Rio Puerco** – *PFJD entered August 7, 1969.*

17. File motion to exclude domestic and livestock permitted wells from the adjudication.

B. Indian Claims

1. Ohkay Owingeh – *Subproceeding 1: Past and Present Use Water Rights*
In settlement discussions.
2. Ohkay Owingeh – *Subproceeding 2: All other claims.*
In settlement discussions.
3. Santa Clara Pueblo – *not scheduled for FY2021*

II. TAOS ADJUDICATION, *New Mexico v. Abeyta*, Case No. CV-69-7896-MV/WPL & No. CV-7939-MV/WPL (consolidated) (U.S.D.Ct., N.M.)

B. Indian Claims

1. Consult with parties concerning implementation of settlement agreement, including (1) locating and constructing mutual benefits projects; (2) implementation of administrative provisions of settlement agreement; and (3) implementation of shortage sharing provisions of settlement agreement.

C. Non-Indian Claims

1. Reconcile subfile orders with WRATS and hydrographic survey maps in preparation for inter se of surface water rights.
2. Determine proposed procedure for adjudication of groundwater rights, including filing a motion to exclude domestic and livestock permitted wells from the adjudication.

III. ZUNI ADJUDICATION, *U.S. v. N.M.*, Case No. 07-cv-00681-MV-JHR (U.S.D.Ct, N.M.)

A. Indian Claims

1. **Subproceeding 1: Zuni Indian Claims** -Technical work ongoing for settlement discussions:
 - a. Technical work ongoing for development of a hydrological model for settlement negotiations.
 - b. Settlement negotiations ongoing with the Zuni Tribe, the United States federal team, and other stakeholders in the Zuni River stream system.
2. **Subproceeding 2: Ramah Navajo Nation Claims**
Technical work ongoing for settlement discussions.

B. Non-Indian Claims, *U.S. v. N.M. v. A & R Productions*, Case No. 01-cv-00072-MV-JHR (U.S.D.Ct., N.M.)

1. Complete primary subfile work for three remaining subfiles: Meech Concrete, and two other associated Meech family claims through settlement or litigation.
2. Consult with U.S. on scheduling *inter se* proceedings for 2021 and development of

proposed procedural motion, proposed partial final judgment and decree and addendum.

IV. SANTA CRUZ/TRUCHAS ADJUDICATION, *New Mexico v. Abbott*, Case No. 68-7488 MV/WPL (*Santa Cruz*) and Case No. 70-8650 MV/WPL (*Truchas*) (N.M. D.Ct., N.M.)

B. Indian Claims

1. Ohkay Owingeh – Subproceeding 1: Past and Present Use Water Rights
In settlement discussions.
2. Ohkay Owingeh – Subproceeding 2: All other claims.

C. Non-Indian Claims – not scheduled for FY2020

V. JEMEZ ADJUDICATION, *U.S. v. Abousleman*, Case No. 6:83-cv-01041-MV-JHR (U.S.D.Ct., N.M.)

A. Indian Claims – Jemez Pueblo & Zia Pueblo

1. Tenth Circuit Court of Appeals, Case No. 18-2164 (interlocutory appeal on aboriginal rights granted 10/31/18). Briefing complete and oral argument held before the Court. Waiting for ruling from the Court.
2. Mediation re-commenced.

B. Non-Indian Claims – completed 2000

VI. NAMBÉ-POJOAQUE-TESUQUE ADJUDICATION, *New Mexico v. Aamodt*, Case No. 66-cv6639- MV/WPL (U.S.D.Ct, N.M.)

A. Indian Claims

1. Negotiate two supplement funding agreements to implement terms of 611(g) agreement.
2. Inform Congress to amend federal law to incorporate terms of 611(g) agreement.

Table 1: Northern New Mexico Adjudication Bureau Priority Sections & Resources

PRIORITY ADJUDICATION SECTION	Staff Att'y	Contract Att'y	Staff Para-legal	Survey Staff	Technical Contractor	Data/IT Staff	Section Totals
STATE COURT ADJUDICATIONS							
San Juan							
General	.25	.10	.05	.15	.25	-	.80
Section 1 (La Plata)	.70	-	.35	1.50	-	.05	2.60
Municipalities (Aztec, Bloomfield, Farmington)	.15	-	.05	.45	-	-	.65
Section 3 (Mainstem)	-	-	-	-	-	-	-
Navajo Settlement	-	.10	-	-	-	-	.10
Ute Mountain Ute Tribe	.40	.10	.05	.25	.05	-	.85
San Juan Subtotals	1.50	.30	.50	2.35	.30	.05	5.00
San Jose (Kerr-McGee)							
Indian SP 1: Laguna/Acoma Past/Present Uses	.10	.35	.05	.25	.05	-	.80
Indian: Navajo claims	-	-	-	-	-	-	-
San Jose Subtotals	.10	.35	.05	.25	.05	-	.80
Santa Fe (Anaya)							
Santa Fe Subtotals	-	-	-	-	-	-	-
FEDERAL COURT ADJUDICATIONS							
Chama (Aragon)							
Section 1 (Mainstem)	.30	-	.20	.15	-	.05	.70
Section 3 (Nutrias/Cebolla/Canjilon)	.35	-	.20	.75	-	.05	1.35
Section 7 (TA/Brazos/Rutheron/Chama Village)	.30	-	.20	.20	-	.05	.75
Ohkay Owingeh	.15	-	.10	.15	-	-	.40
Chama Subtotals	1.10	-	.70	1.25	-	.15	3.20
Taos (Abeyta)							
Non-Indian	.10	.35	.55	1.65	.05	-	2.70
Taos Pueblo Settlement	.05	.10	-	-	-	-	.15
Taos Subtotals	.15	.45	.55	1.65	.05	-	2.85
Santa Cruz/Truchas							
Non-Indian	-	-	-	-	-	-	-
Indian SP2: Ohkay Owingeh Past/Present Uses	.15	-	.10	.15	-	-	.40
Indian SP3: Santa Clara Past/Present Uses	-	-	-	-	-	-	-
San Cruz/Truchas Subtotals	.15	-	.10	.15	-	-	.40
Zuni (A&R)							
Non-Indian	.20	-	.05	.05	-	-	.30
Indian SP1: Zuni Past/Present Uses	.45	-	.05	.15	-	-	.65
Indian SP2: Navajo Nation Claims	-	-	-	-	-	-	-
Zuni Subtotals	.65	-	.10	.20	-	-	.95
Jemez (Abousleman)							
Three Pueblos	.25	.05	-	-	-	-	.30
Jemez Subtotals	.25	.05	-	-	-	-	.30
Nambé, Pojoaque, Tesuque (Aamodt)							
Non-Indian	.05	-	.05	-	-	-	.10
Four Pueblos Settlement	.05	-	.05	-	-	-	.10
Aamodt Subtotals	.10	-	.10	-	-	-	.20
CATEGORY TOTALS – ALL SECTIONS	4.00	1.15	2.10	5.85	.40	.20	13.70